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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Implementation of the )  
Subscriber Changes Provisions )  
of the Telecommunications Act )  
of 1996 )

Policies and Rules Concerning )  
Unauthorized Changes of Consumers' )  
Long Distance Carriers )

CC Docket No. 94-129

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PETITION FOR RECONSIDERATION OF SPRINT CORPORATION

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**SUMMARY**

Sprint agrees fully with the Commission that "slamming is an extremely pervasive problem" which the Commission and the industry need "to combat aggressively." In fact, Sprint has advocated strong measures that the Commission should undertake if it is to deter slamming as well as mitigate the frustrations often experienced by slammed subscribers. Sprint has also urged that the Commission conduct an in-depth study to learn the root causes of slamming since without such an understanding, there is simply no way that the Commission's can be viewed as engaging in reasoned decision-making.

The Commission's absolution scheme can hardly be said to be the product of reasoned decision-making. Section 258 seeks to balance the interest of consumers and their authorized carriers and, at the same time, punish the carriers that are guilty of slamming. The Commission's absolution rules, however, turn the Section 258 mechanism on its head, based upon the happenstance of whether the customer had remitted any payments for the services provided by the unauthorized carrier. If the customer has paid for such services, the procedures envisioned by Section 258 are followed. If the customer has not paid the slamming carrier's bill he is entitled to 30 days' free service. Consistent with Section 258, the slamming carrier must still forego any revenues it would have received as result of the slam. However, in contrast to the goal of Section 258 to make both victims of the slamming incident -- the customer and his authorized carrier -- whole, under the Commission's rule, the authorized carrier is deprived of revenues it would have received had the slam not occurred so that the slammed customer can be "absolved" through the receipt of free service.

The Commission also makes clear that a carrier accused of a slam need not have committed such act for the customer to receive "free service." Instead, after the naked allegation

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of a customer that a slam had occurred, the Commission would leave it to a competitor of the accused carrier to determine the merits of such allegation. The Commission cites no statutory basis for delegating its responsibilities to adjudicate whether a carrier has violated the Act to a third party, let alone a competitor of the accused carrier which clearly has a strong incentive to find that the accused carrier is guilty. Although the Commission will allow the carrier that has been judged by the authorized carrier to have slammed the authorized carrier's customer to appeal such judgment by filing a Section 208 complaint, this is hardly a viable option.

The inevitable outcome of the Commission's scheme here will be an increase in the number of slamming complaints and in the number of times that such complaints are found to be valid. The incentive of customers to claim that they have been slammed and the incentive of authorized carriers to validate such claims will produce a type of symbiotic relationship that will have the perverse effect of leading to more rather than fewer claims of slamming.

The Commission says that limited absolution is justified because customers should be compensated for the inconvenience and hardship that results from slamming. But the inconvenience and hardship experienced by a particular customer has little or no relation to the customer's bill for the first 30 days of service received. It also makes no sense for the authorized carrier which is not responsible for the slammed customer's inconvenience or "loss of choice and privacy" to compensate such customer.

Finally, the Commission's absolution scheme simply cannot be implemented with the carrier systems existing today.

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<b>Long Distance Carriers</b>	)	
_____	)	

**PETITION FOR RECONSIDERATION OF SPRINT CORPORATION**

Sprint Corporation ("Sprint"), pursuant to Section 1.429 of the Commission's Rules, 47 C.F.R. §1.429, hereby respectfully requests that the Commission reconsider its *Second Report and Order*, FCC 98-334 (released December 23, 1999) ("*Second Report*") in the above-referenced proceeding. Specifically, Sprint requests that the Commission reconsider its decision to absolve subscribers who claim to have been slammed of the obligation to pay for all calls made within 30 days after the alleged unauthorized conversions are said to have occurred. As set forth below, the Commission's decision here is beyond its statutory jurisdiction, is unsound as a policy matter, and is otherwise arbitrary and capricious. Moreover, the rules adopted by the Commission to implement its absolution decision are inordinately complex and, in their present form, totally unworkable.

**I. INTRODUCTION**

Sprint agrees fully with the Commission that "slamming is an extremely pervasive problem" *Second Report* at ¶2 which the Commission and the industry need "to combat

aggressively." *Id.* at ¶4. In fact, Sprint, both in this proceeding and elsewhere, has advocated strong measures that the Commission should undertake if it is to deter slamming as well as mitigate the frustrations often experienced by slammed subscribers in attempting to have their service returned to their authorized carriers. For example, in its Comments below, Sprint explained that the only way to curtail the slamming by unscrupulous carriers that deliberately engage in fraudulent and deceptive practices to steal the consumers and the consumers' revenues from legitimate carriers -- and the Commission has attributed much of the slamming problem to such carriers,<sup>1</sup> -- is to refer the principals of such carriers to criminal prosecutors. In Sprint's view, a few well-publicized prosecutions against the principals of these unscrupulous carriers would be a strong deterrent to others seeking to defraud consumers and legitimate carriers through the practice of slamming. Thus, Sprint recommended that the Commission work with Federal and State law enforcement officials to determine whether the complaints of slamming against a particular carrier that it receives establishes a pattern of illegality. *See* Sprint's Comments at 20-25. The Commission in its *Second Report* did not address Sprint's recommendation here to "slam the slammers."

Earlier in this decade Sprint suggested that the Commission require the LECs to modify their internal systems in order to readily identify that a customer's preferred carrier is a switchless reseller instead of the such reseller's underlying facilities-based carrier. *See* Sprint's Comments filed April 29, 1992 in CC Docket No. 91-64. More recently -- on February 27, 1998, Sprint, as a member of the CIC Ad Hoc Working Group to the North American Numbering Council, submitted a report to the FCC in CC Docket 92-237 recommending, *inter alia*, that the Commission require switchless resellers to have their own CICs (carrier identification codes) so

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<sup>1</sup> *See Further Notice of Proposed Rulemaking*, 12 FCC Rcd 10674 at 10678 (¶4), 10679-80 (¶6) (1997); *see also Second Report* at ¶1 and ¶14.

that such resellers can order access service directly from the LECs instead of through their underlying facilities-based carrier. Adoption of these proposals obviously would help relieve much of "the inconvenience and confusion [consumers] experience from being slammed" *Second Report* at ¶18, by a switchless reseller since they would be able to learn the identity of the perpetrator with one call to their LECs.<sup>2</sup> The Commission has never required the LECs to adopt Sprint's first proposal and has -- at long last -- asked for comments on the CIC Ad Hoc Working Group recommendations in its *Further Notice of Proposed Rulemaking* issued together with the *Second Report*.

Sprint has also urged that the Commission conduct an in-depth study to learn the root causes of slamming before the Commission sought to impose additional regulations on the industry in an attempt to bring the slamming problem under control. *See* Sprint's Comments at 2-4. Sprint explained that the Commission had already taken a number of serious steps ranging from detailed regulation of the primary interexchange carrier (now called primary carrier or PC) change process, including the imposition of substantial forfeitures and the revocation of licenses, that are designed to curtail the incidence of slamming. Yet, the fact that slamming continues to increase "at an alarming rate" despite the Commission's efforts, *Second Report* at ¶2, suggests that the Commission does not yet have a complete understanding as to the root causes of slamming and the specific factors that facilitate its growth. Without such an understanding, there is simply no way that the Commission's can be viewed as engaging in reasoned decision-making.

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<sup>2</sup> Under the current system, a consumer who has been slammed by a switchless reseller and has called her LEC will usually be given the name of underlying facilities-based IXC. Upon calling such IXC, the consumer will be given the name of the switchless reseller customer of the IXC. But, this reseller may not be the carrier responsible for the unauthorized conversion. Instead it may be another switchless reseller that is the customer of the switchless reseller contacted by the consumer. It might well be expected that after three or four unsuccessful calls, the subscriber will be sufficiently discouraged or confused to give up the search for the carrier that is responsible for the slamming incident.

In fact, the Commission's absolution scheme raises serious legal and policy issues and can hardly be said to be the product of reasoned decision-making. Under the Commission's scheme, customers are able to obtain 30 days free phone service if they do not pay their bills and allege, without any proof whatsoever, that they were slammed. Thus, any carrier accused of slamming by a consumer must pay reparations to such consumer in the form of immediate absolution of the charges incurred by such customer during the first 30 days after the slam occurred. Although as part of this scheme the accused carrier is allowed to prove that it did not slam the consumer and that it is entitled to its previously-absolved charges, the Commission's procedures in this regard are prejudicial to the accused carrier and are otherwise unworkable. As a practical matter, a carrier charged with slamming, even if it complied with the Commission's verification rules and was innocent of the charge, will always, or nearly always, be required to give a consumer thirty days' free service. The Commission does not explain why the provision of such free service will lead to a reduction in the incidence of slamming or will reduce the incentives of unscrupulous carriers to continue their practice of defrauding customers and legitimate carriers. In any case, the Commission's decision here to award "reparations" to those claiming to have been slammed would appear to be beyond its jurisdiction.

Sprint discusses below the serious problems with the Commission's decision. In the next section, Sprint demonstrates why the Commission's is completely at odds the statutory remedy mandated by Congress for dealing with the slamming problem as set forth in Section 258 and unsound as a policy matter since it will, contrary to the Commission's findings here, lead to an increase in the number of alleged slams per year. In Section III, Sprint discusses why the



procedures adopted by the Commission for giving those alleging to have been slammed free service cannot, as a practical matter, be implemented.<sup>3</sup>

**II. THE COMMISSION'S DECISION TO ABSOLVE SUBSCRIBERS OF THEIR RESPONSIBILITY TO PAY FOR SERVICES RECEIVED BASED UPON A NAKED ALLEGATION OF SLAMMING IS PLAINLY BEYOND THE COMMISSION'S JURISDICTION AND IS UNSOUND FROM A POLICY PROSPECTIVE.**

**A. The Commission's Absolution Scheme Impermissibly Penalizes The Authorized Carrier In Instances Where A Slam Has In Fact Occurred And Is Therefore Inconsistent With Section 258.**

Section 258 of the Act sets forth specific measures for controlling slamming which balance the interest of consumers and their authorized carriers and, at the same time, punish the carriers that are guilty of slamming. Under these measures, consumers and authorized carriers are made whole while the slamming carrier is deprived of all money that it would have otherwise received as a result of converting customers to its services without permission. Thus, assuming as a hypothetical matter that the Commission determined that a slam had occurred, Section 258 envisions (1) that the consumer would pay for the services received while on the unauthorized carrier's network at his authorized carrier's rates and would receive all premiums to which he would otherwise be entitled; (2) that the authorized carrier receive the money collected

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<sup>3</sup> The Commission appears to understand that its mechanism is unworkable since it has invited carriers to seek a waiver of the Commission's liability rules by developing an alternative mechanism under which an independent third party administrator would resolve slamming disputes between carriers and subscribers. *Second Report* at ¶55. Sprint is currently working with other IXC's to develop this alternative mechanism. The IXC's will file a waiver petition setting forth this proposal in the very near future. Nonetheless, the fact that Sprint believes that there is perhaps a workable procedure for carriers to meet their liability obligations to slammed consumers as required by the Commission's new slamming rules does not mean that Sprint also believes that such rules are within the Commission's authority to adopt in the first instance, that such rules are based upon sound policy, that they will be efficacious in mitigating the problem of slamming and that they will not lead to other types of fraud. In any event, because the Commission's mechanism is unworkable, the Commission must stay the effectiveness of its absolution rules until it approves the waiver; the carriers agreeing to the alternative process are able to enter into a competitively-bid agreement with a vendor to handle the slamming dispute resolution process between carriers and between carriers and their customers as set forth in the waiver; and such vendor is able to begin operations.

by the slamming carrier from the consumer;<sup>4</sup> and, (3) the slamming carrier in addition to turning over all money collected from the slammed customer would have to pay to the LEC all charges for converting the customer to its services and for returning the customer to his authorized carrier.

The Commission's absolution rules turn the Section 258 mechanism on its head, based upon the happenstance of whether the customer had remitted any payments for the services provided by the unauthorized carrier. If the customer has paid for such services, the procedures envisioned by Section 258 are followed. Both the customer and authorized carrier are made whole, while the carrier that slammed the customer is deprived on any revenue that it would have otherwise received as a result of the slam. If, however, the customer has not paid the slamming carrier's bill he is entitled to 30 days' free service. Consistent with Section 258, the slamming carrier must still forego any revenues it would have received as result of the slam. However, in contrast to the goal of Section 258 to make both victims of the slamming incident -- the customer and his authorized carrier -- whole, under the Commission's rule, the authorized carrier is deprived of revenues it would have received had the slam not occurred so that the slammed customer can be "absolved" through the receipt of free service.

The Commission recognizes that its decision absolving subscribers who claim to have been slammed of liability for the charges incurred for services provided during the first 30 days of service after the alleged slam has occurred "goes beyond the specific statutory remedy that is explicitly set forth in section 258(b) of the Act." *Second Report* at ¶29. Nonetheless, the Commission insists that its decision here is sanctioned by Section 258 since the remedies set forth there "are in addition to any other remedies available by law." *Id.* citing 47 U.S.C. §258(b)

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<sup>4</sup> The authorized carrier would return any payments in excess of what it would have ordinarily received from its customer had no slam occurred to such customer usually in the form of credits.

(internal ellipses omitted). However, as suggested above, it is clear that the Commission's rule here is not "in addition" to the remedy granted in Section 258, but, rather, in direct conflict with that provision where the slammed customer has not paid for service. Thus, under the Commission's rule, where the customer has made no payment, the authorized carrier is out of luck. Regardless of the amount involved for the first 30 days of service, the authorized carrier receives no compensation for lost revenues as a result of the slam -- that is, the authorized carrier is deprived of the specific relief mandated by Section 258 -- so that the slammed customer can receive what amounts to a windfall. This substitution of its own remedy for that mandated by its enabling statute is beyond the Commission's jurisdiction.

Nonetheless, the Commission claims that absolution passes statutory muster because it furthers Congress' determination as expressed in Section 258 "of discourag[ing] slamming by taking the profit out of this fraudulent practice. *Second Report* at ¶19. In fact, the Commission finds that its chosen method is superior to the one adopted by Congress in Section 258 because "the slamming carrier is likely to refuse to remit revenues to the authorized carrier." *Id.* The problem with the Commission's finding here is that the Commission is not free to substitute its judgment as to how best to control slamming for the judgment of Congress, as set forth in Section 258. If the Commission believes that "depriv[ing] carriers of revenue from slamming by absolving consumers of liability for 30 days after the unauthorized change" is "the most effective method of deterring slamming," *id.* at ¶29, it is required to return to Congress and seek appropriate authorization to implement such a scheme. *See Western Union v. FCC*, 729 F.2d 811, 817 (D.C. Cir., 1984) ("The Commission cannot simply ignore Congress' words and attempt to write a new statute out of whole cloth").

The Commission makes much of the fact that the remedy chosen by Congress "applies only when the consumer has in fact made payment to the unauthorized carrier" and that "Section 258(b) does not *require* the consumer to pay either the unauthorized carrier or the unauthorized carrier." *Second Report* at ¶28 (emphasis in original). Consequently, or so the Commission's justification goes, "absolving subscribers of the responsibility to pay their slamming carriers ... does not abrogate the section 258(b) remedy for authorized carriers." *Id.* But the fact that Section 258(b) "does not reference charges that have not been paid," *id.* at ¶29, does not give the Commission the authority to assume responsibility for deciding whether such charges or a portion of such charges need be paid by consumers claiming to have been slammed. Such decision is properly made by Congress. *See American Ship Building Co. v. NLRB*, 85 S.Ct. 955, 967 (1965). Moreover, Congress' silence on the issue does not support the notion that the Commission has been granted authority to fashion an absolution remedy. Rather, Congress' silence here suggests an intent not to overturn Commission policy existing at the time when Section 258 was enacted of requiring that that slammed customers pay for calls placed over the unauthorized carrier's network albeit at the rates such customers would have paid had the unauthorized change not occurred. Stated differently, if Congress had disagreed with the Commission's policy requiring that customers pay for the services they receive, it presumably would have said so and would have given the Commission a mandate to develop rules relieving customers of the duty to pay for some or all of the services they received.

In sum, if the Commission believes that giving one month's free service to customer claiming to have been slammed is the best way to reduce slamming, it must ask Congress to grant it the authority to promulgate such a program.

**B. The Commission's Absolution Scheme Penalizes Carriers That Are Accused of Slamming But That Are Nonetheless Innocent Of Such Charges.**

The argument above assumed, hypothetically, that there was no question that a slam had actually occurred. But, the Commission makes clear that it does not propose to make such a determination as a prerequisite for a customer to receive "free service." Instead, after the naked allegation of a customer that a slam had occurred, it would leave such determination to a competitor of the accused carrier, and leave the accused carrier with no effective means of contesting the charge of slamming.

The Commission invokes its authority under Section 201(b) and 4(i) of the Act to justify the remedy of "[a]bsolving slammed subscribers of liability for a limited period of time." *Id.* at ¶29. But even though these sections authorize the Commission to prescribe rules that may be necessary "to carry out the provisions of [the] Act," 47 USC §201(b), and "in the execution of its functions," 47 U.S.C. §4(i), such rules must be consistent with other provisions of the Act. The provisions that authorize the Commission to grant relief to persons alleging that carriers have violated the Act, at a minimum, require an investigation by the Commission to determine whether such allegations are, in fact, true before such relief can be awarded. They do not authorize the Commission to base its grant of relief on unproven allegations.<sup>5</sup> Indeed, the Commission cites no Commission or court decision -- and Sprint is unaware of any such precedent -- that enables telephone subscribers to escape liability for even a portion of the services they receive from carriers based on a mere allegation, without any proof, of unlawful conduct by such carrier.

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<sup>5</sup> Sprint firmly believes that a carrier found to have deliberately slammed a customer to its services violates Section 201 of the Act and its position as to the Commission's statutory authority to award reparations in the absence of such finding does not suggest otherwise.

A carrier accused of slamming seeking to prove that it is innocent of the charges subsequent to the award of reparations is plainly hamstrung by the Commission's rules. Under such rules, the trier of fact -- at least in the first instance -- will be the customer's previously authorized carrier to whom the customer has been returned. *Second Report* at ¶42. The Commission cites no statutory basis for delegating its responsibilities to adjudicate whether a carrier has violated the Act to a third party, let alone a competitor of the accused carrier which clearly has a strong incentive to find that accused carrier is guilty.<sup>6</sup> Of course, the Commission will allow the carrier that has been judged by the authorized carrier to have slammed the authorized carrier's customer to appeal such judgment by filing a Section 208 complaint. It also may use the complaint process to seek restitution from the executing carrier. But, this is hardly a viable option. The complaint process is not costless to the complaining carrier; the likelihood of obtaining a quick decision from the Commission is remote; and the ability to collect damages from the authorized carrier or executing carrier without additional procedures either before the Commission or in district court (*see* 47 U.S.C. §407) is problematic.

In short, the Commission cannot require a carrier to forego revenues it is otherwise entitled to collect based on a naked accusation and without any determination that the carrier is actually guilty of slamming. The Commission's assumption that the carrier can later straighten our matters and be compensated for service where it has been unjustly accused is, under the circumstances presented here, illusory. There is no real remedy provided for carriers' that have been wrongfully accused to collect revenues for service that they provided. For this reason, the Commission's rules are not only beyond its authority, but arbitrary and capricious as well.

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<sup>6</sup> The responsibility of the authorized carrier is to decide the validity of the accused carrier's verification. *Second Report* at ¶42. Obviously, an accused carrier will not be able to produce any verification in those instances where the customer was assigned to its services because of a mistake by the executing carrier. Thus, it will be found guilty of slamming the customer and forced to forego any revenues for the services provided.

**C. The Commission's Absolution Program Will Lead Inexorably To An Increase In the Number of Slamming Complaints.**

Contrary to the Commission's determination that absolution "is the most effective method of deterring slamming," *Second Report* at ¶29, the inevitable outcome of the Commission's scheme here will be an increase in the number of slamming complaints and in the number of times that such complaints are found to be valid. This is so since, as stated, the Commission has delegated responsibility for determining whether a slam has occurred to the customer's previously authorized carrier which, of course, is a competitor of the accused carrier. If the authorized carrier determines that a slam has occurred, it will be entitled to all of the revenues collected by the accused carrier in instances where the customer has paid the bill of such carrier and to the revenues collected by or owed to the accused carrier for the period beginning on day 31 and ending when the customer is returned to the previously authorized carrier in cases where the customer has not paid. See 47 C.F.R. §§64.1100(c) and 64.1170(a)-(d). On the other hand, if the authorized carrier finds that no slam occurred, *i.e.*, the accused carrier produced proof that it have verified the switch in accordance with Commission rules, and the customer has not paid the bill of the accused carrier, the authorized carrier assumes the burden of billing and collecting the charges owed by the customer and remitting such revenues to the now exonerated carrier. See *Second Report* at ¶42.

Plainly, under these procedures, the authorized carrier will have a strong incentive to find that a slam has occurred. By doing so, it will not become the billing and collection agent of its competitor. It will be able to maintain a good relationship with the customer making the slamming allegation since it will not have to confront the customer with evidence suggesting that the customer had "distorted the truth" on the issue on whether the customer had authorized the switch. And, by finding that slam has occurred, the authorized carrier will be entitled to all the

money collected by the accused carrier from the customer or to the money owed to the accused carrier by the non-paying customer for service provided from day 31 until the customer is switched back to his previous customer.

Moreover, the prospect of obtaining 30 days free service will likely entice a perhaps not insignificant number of consumers who switch carriers to allege that they have been slammed. As stated, they need not provide any evidence supporting such allegations and they may reasonably conclude that their previously authorized carrier that has regained their business will want to maintain good customer relations and not challenge such allegations.

The incentive of customers to claim that they have been slammed and the incentive of authorized carriers to validate such claims will produce a type of symbiotic relationship that will have the perverse effect of leading to more rather than fewer claims of slamming. Thus, even if the Commission has the statutory authority to promulgate its absolution scheme -- and as demonstrated above, it does not -- such scheme will not lead to a reduction in the number of alleged unauthorized conversions.

**D. The Commission's Absolution Remedy Bears No Relationship To The Amount Of Inconvenience Suffered By A Slammed Carrier And In Any Case Requires The Innocent Carrier To Pay For Such Inconvenience.**

The Commission says that limited absolution is justified "because it provides some compensation to consumers for the time, effort, and frustration they experience as a result of being slammed, as well as for the loss of choice and privacy." *Second Report* at ¶21. There is no question that slamming can cause considerable inconvenience and hardship. But the inconvenience and hardship experienced by a particular customer has little or no relation to the customer's bill for the first 30 days of service received. On the contrary, larger customers would generally be expected to be more experienced with the intricacies of telephone service and would



therefore be less confused and frightened by a slamming incident as well as more capable of securing a return to their preferred carrier. Larger customers are also more likely to be aware that they will not lose their service if they rely upon a claim of slamming to withhold payment. Consequently, the largest "windfalls" will be paid precisely to those knowledgeable customers who are likely to be least troubled by slamming.

Apart from this incongruity, it must also be borne in mind that the "windfall" to the customer comes at the expense of the authorized carrier and not the slamming carrier. The authorized carrier is not responsible for the slammed customer's inconvenience or "loss of choice and privacy." Thus, to require that such carriers forfeit their right under Section 258 to be made whole, as the Commission's absolution rule is contrary to common sense. It succeeds in giving the largest rewards to the customers likely to be troubled least by slamming and funds these rewards at the expense of the carrier that is not responsible for slamming.

### **III. THE COMMISSION'S ABSOLUTION CANNOT BE READILY IMPLEMENTED.**

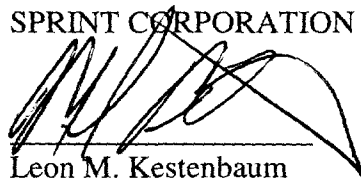
The Commission's absolution scheme simply cannot be implemented with the carrier systems existing today. Each carrier will have to establish some sort of connection with literally every other carrier in the industry to permit the exchange of the data necessary to comply with the Commission's rules. For example, the authorized carrier will not only have to receive a copy of the unauthorized carrier's bill to slammed customer but it will need to be supplied with the rate schedules and other information, *e.g.*, time of day pricing; day of week pricing; rounding practices, etc. of the unauthorized carrier during the time that the slammed customer was on the unauthorized carrier's network so that it will be in a position to re-rate the calls. The unauthorized carrier or its billing agent will also need to provide the authorized carrier with information, perhaps on a real time basis, showing whether a customer who claims that she was

slammed has or has not paid here bill and if she has not paid whether or not she has received a 30 day credit. And, of course, the authorized and unauthorized carriers will need to exchange information detailing how payments from the slammed customers to the unauthorized carrier are to be remitted to the authorized carrier.

Development of the systems to facilitate these and other types of data flows as well as money flows may very well take years. But they are critical to the industry's ability to comply with the Commission's requirements for absolution and re-rating. Thus regardless of the merits of the Commission's desire to compensate true victims of slamming "for the time, effort and frustration they experience as a result of being slammed, as well as for the loss of privacy and choice," *Second Report* at ¶21, the fact that the Commission's rules in this regard cannot be implemented by the industry renders its decision arbitrary and capricious. It should be reconsidered and reversed.

Respectfully submitted,

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March 18, 1999

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **Petition For Reconsideration** of Sprint Corporation was sent by hand or by United States first-class mail, postage prepaid, on this the 18<sup>th</sup> day of March, 1999 to the parties on the attached list.

  
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March 18, 1999

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